

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHARONDA BELL,

Plaintiff,

v.

ADDUS HEALTHCARE,

Defendant.

Case No. C06-5188RJB

ORDER DENYING PLAINTIFF'S
MOTION TO STRIKE DEFENSES

This matter comes before the court on Plaintiff's Motion to Strike Defenses (Dkt. 14). The court is familiar with the records and files herein and documents filed in support of and in opposition to the motion.

Plaintiff filed a Complaint (Dkt. 1) as a class action, alleging various violations of wage and hour laws for over "one hundred persons in the class." The persons in the class, except for the named plaintiff, were not named. Defendant responded with a Supplemental Answer to the Complaint (Dkt. 11) that made appropriate denials and, in accord with the requirements of notice pleading in the Federal Rules of Civil Procedure, alleged fifteen "affirmative defenses." The defendant's pleading was an appropriate response to the Complaint, and raises possible defenses that will, in time, be dismissed or stricken, or will proceed to trial as the facts in the case are developed by

1 both parties. It is likely that some of the allegations denominated as “affirmative defenses” are not,
2 technically, affirmative defenses.

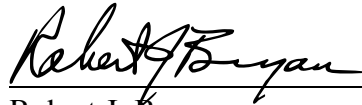
3 Federal Rule of Civil Procedure 8(f) directs the court to construe pleadings as to do
4 substantial justice. Plaintiff here desires that the court strike portions of the Supplemental Answer as
5 insufficient, redundant or immaterial in accord with Federal Rule of Civil Procedure 12(f).

6 Plaintiff’s motion is premature and appears to be an attempt to resolve issues before the facts
7 are developed. In accord with Federal Rule of Civil Procedure 8(f), the motion should be DENIED
8 without prejudice to raising the issue of which defenses are adequate by appropriate motion at
9 appropriate times as the case develops in the future.

10 It is hereby ORDERED that Plaintiff’s Motion to Strike Defenses (Dkt. 14) is DENIED.

11 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
12 record and to any party appearing *pro se* at said party’s last known address.

13 DATED this 2nd day of August, 2006.

14 
15 Robert J. Bryan
16 United States District Judge